

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

In re:

IBRAHEEM ZAHRIYEH,

Debtor.

Chapter 7

Case No. 17-41169 (ESS)

**STIPULATION AND ORDER WAIVING THE DEBTOR'S DISCHARGE AND
CONSENTING TO DISMISSAL**

WHEREAS,

1. Ibraheem Zahriyeh (the "Debtor") commenced this case by filing a voluntary petition under chapter 7 of the Bankruptcy Code on March 13, 2017. *See* ECF Doc. No. 1.

2. David J. Doyaga, Esq. (the "Chapter 7 Trustee") was appointed as the interim trustee of the estate of the Debtor, and pursuant to 11 U.S.C. § 702(d), thereafter became the permanent trustee.

3. The first date set for the meeting of creditors pursuant to 11 U.S.C. § 341(a) was April 14, 2017.

4. The United States Trustee's initial deadline to object to the Debtors' discharge or move for dismissal was June 13, 2017 (the "Deadline"). *See* ECF Doc. No. 7.

5. On June 9, 2017, the United States Trustee filed a motion (the "2004 Motion") seeking an order (a) pursuant to Rule 2004 of the Federal Rules of Bankruptcy Procedure, directing the Debtor to appear for an examination, and to answer any and all questions relating to: (i) the acts, conduct or property or to the liabilities and financial condition of the Debtor's estate, or (ii) any matter which may affect the administration of the Debtor's estate, or (iii) the Debtor's right to a discharge, (b) pursuant to Bankruptcy

Rule 2004(c) directing the Debtor to produce certain documents on or before August 11, 2017 (the “Documents Deadline”) and (c) pursuant to Bankruptcy Rule 4004, extending the time for the United States Trustee and the chapter 7 trustee to file a complaint under 11 U.S.C. § 727, objecting to the Debtor’s discharge through October 31, 2017. *See* ECF Doc. No. 20.

6. By Order dated July 19, 2017, the Court granted the 2004 Motion. *See* ECF Doc. No. 29.

7. The Debtor failed to produce any documents or otherwise respond prior to the Documents Deadline.

8. The Debtor represents that (a) he has voluntarily decided to waive his discharge after consultation with his counsel, provided that this bankruptcy case is dismissed; (b) he has made a conscious and informed decision to waive his discharge and consent to dismissal; and (c) he is aware of the consequences of waiving his discharge and consenting to dismissal.

IT IS HEREBY STIPULATED AND AGREED, by and between the Debtor, the Chapter 7 Trustee and the United States Trustee that:

- (1) the Debtor waives his discharge within the meaning of 11 U.S.C. §§ 523(a)(10) and 727(a)(10);
- (2) Debtor’s Counsel shall serve a copy of this Stipulation and Order upon all creditors and parties in interest;
- (3) Debtor’s counsel shall file with the Court a certificate of service of this Stipulation and Order as provided herein within 5 business days of entry of this Order;
- (4) Upon filing said certificate of service, the Debtor’s Counsel shall be

authorized to upload for signature an order dismissing this Case; and

- (5) All of the provisions of this Stipulation and Order shall survive said dismissal.

Dated: Staten Island, New York
October 24, 2017

IBRAHEEM ZAHRIYAH
DEBTOR

/s/ Ibraheem Zahriyah

IBRAHEEM ZAHRIYAH

/s/ Cristina M. Lipan

Cristina M. Lipan
SHIPKEVICH, PLLC
65 Broadway, Suite 508
New York, NY 10006
Tel: (212) 253-3003
Fax: (888) 568-5815

Dated: Brooklyn, New York
October 24, 2017

CHAPTER 7 TRUSTEE

/s/ David J. Doyaga Sr.

David J. Doyaga, Sr.
United States Bankruptcy Trustee
26 Court Street, Suite 1002
Brooklyn, NY 11242
(718) 488-7500

Dated: New York, New York
October 25, 2017

WILLIAM K. HARRINGTON UNITED
STATES TRUSTEE, REGION 2

/s/ William E. Curtin

William E. Curtin
Trial Attorney
201 Varick Street, Suite 1006
Brooklyn, New York 11201
Tel. No. (212) 510-0500
Fax No. (212) 668-2255

APPROVED AND SO ORDERED: